

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.201. PERMIT REQUIRED -- EXCEPTIONS.

No person shall do any grading without first having obtained a grading permit from the Director of Public Works, except for the following:

- (a) An excavation which is less than five feet (5') in vertical depth at its deepest point measured from the natural ground surface and which does not result in the movement of more than 200 cubic yards of material on any one site.
- (b) A fill which (1) is less than five feet (5') in vertical depth at its deepest point measured from the natural ground surface, (2) is placed on a surface having a slope not steeper than five horizontal to one vertical, (3) does not exceed 200 cubic yards of material on any one site, and (4) does not change the existing drainage pattern for an off-site area either above or below the grading site.
- (c) An excavation below finished grade for basements and footings of a building, retaining wall, swimming pool, septic tank, and leaching system, or other structure authorized by a valid building permit. This paragraph shall not exempt from the permit requirements any fill made with the material from such excavation having an unsupported height greater than five feet (5') after the completion of such structure.
- (d) Refuse disposal areas or sanitary fills operated and conducted in accordance with a special use permit issued pursuant to the Zoning Ordinance or a permit issued pursuant to Article 2, Chapter 5, Division 8, Title 6, of this Code or as a lawful non-conforming use and where the operation and conduct thereof does not block or divert any natural drainage way or affect the lateral support or unduly increase the stresses in or pressures upon any adjacent or contiguous property.
- (e) Grading upon property under the control of the United States of America, State of California, or the County of San Diego, when done by such government or agency, or when done by their contractor if the work is to be administered and inspected by an engineer employed by such government or agency.
- (f) Tilling or cultivating land exclusively for purposes of growing agricultural plants or animals, provided that:

- (1) all excavated material shall be placed on the same site;
- (2) the tilling or cultivating will not block or divert any natural drainage way;
- (3) the tilling or cultivating will not affect the lateral support or unduly increase the stresses in or pressures upon any adjacent or contiguous property; and
- (4) the land to be tilled or cultivated has been in agricultural production for at least one of the preceding five years.

This exemption does not allow the establishment of new agricultural operations on, or the expansion of existing agricultural operations onto, any area which has not been in agricultural production for at least one of the preceding five years.

(g) Grading incidental to the construction or installation of undergrounding pipelines, conduits or similar underground facilities by public utility corporations, municipal corporations or special districts or their contractors.

(h) Grading incidental to the construction or installation of drainage or flood control works pursuant to a Watercourse Permit issued by the Department of Public Works.

(i) Grading or reclamation work pursuant to a special use permit or reclamation plan for a borrow pit, quarry or other surface mining operation approved by the Planning Commission or Board of Supervisors; provided, however, that a borrow pit which is to complete within one year from commencement, the removal of material to be used exclusively for fill at another approved site or sites shall be required to secure a grading permit for the excavation site as well as the fill sites.

(Amended by Ord. No. 3792 (N.S.), effective 12-17-71; amended by Ord. No. 3945 (N.S.), effective 9-14-72; amended by Ord. No. 4717 (N.S.), effective 7-8-76; amended by Ord. No. 5129 (N.S.), effective 5-4-78; amended by Ord. No. 5841 (N.S.), effective 9-4-80; amended by Ord. No. 7537 (N.S.), effective 9-28-88; amended by Ord. No. 8685 (N.S.), effective 6-15-96; amended by Ord. No. 9329 (N.S.), effective 6-1-01)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.202. PERMIT REQUIRED.

Except as exempted by Section 87.201, no person shall do any grading nor shall an owner allow any grading on his property unless the person or owner has a valid grading permit issued by the County Official authorizing such grading. An owner is presumed to have allowed grading which has been done on property occupied by him or is under his dominion and control. This presumption is a presumption affecting the burden of producing evidence. A separate grading permit shall be required for each site. A grading permit may authorize both excavations and fills.

(Amended by Ord. No. 5928 (N.S.), effective 12-12-80)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.202.1. FEES -- EXEMPTION FROM.

Permits for grading for soil and water conservation projects, when approved and inspected by a State or Federal agency shall be issued without fee.

(Added by Ord. No. 3281 (N.S.), effective 1-22-69; amended by Ord. No. 3792 (N.S.), effective 12-17-71)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.202.2. HABITAT LOSS PERMIT.

No permit required by Section 87.202 shall be issued, unless Section [86.102 of] Chapter 1 of Division 6 of Title 8 of this Code has been complied with, regarding Habitat Loss Permits.

(Added by Ord. No. 8365 (N.S.), effective 3-2-94; amended by Ord. No. 8380 (N.S.), effective 4-29-94)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.203. APPLICATION.

A separate application with plans and specifications shall be required for each grading permit. The application shall be signed by the owner of the property to be graded. Also at the time of application, the owner shall be required to file with the County Official an "Acknowledgement to Employ Consultants" form. The owner shall list the Supervising Engineer, as required by Sec. 87.420, Soils Engineer and Engineering Geologist (if required). In addition, each listed consultant shall submit to the County Official, a signed "Acceptance of Employment by Consultants" as the owner's consultant. The owner shall be responsible for notifying the County Official of any change in the consultants listed on the "Acceptance of Employment by Consultants" form. No grading shall be done without the "Acceptance of Employment by Consultants" form being on file with the County Official. All plans and specifications shall be prepared or approved and signed by a registered civil engineer. The County Official may waive this requirement when in his opinion the work entails little hazard to any property and the proposed grading does not exceed 3,000 cubic yards, is upon a single lot or parcel of land, and will not necessitate the construction of any extensive drainage structures or facilities or interfere in any way with an existing drainage course.

The plans shall show the following:

- (a) A vicinity sketch or other data adequately indicating the site location.
- (b) Property lines of the site on which the work is performed.
- (c) Location of any buildings or structures on the site where the work is to be performed, and the location of any building or structure on land of adjacent property owners which is within the fifteen feet (15') of the site.
- (d) Adequate contours showing the topography of the existing ground.
- (e) Elevations, dimensions, location, extent, and the slopes of all proposed grading shown by contours or other means.
- (f) The quantity of excavation and fill involved and estimated starting and completion dates and the estimated cost.

(g) Adequate plans of all drainage devices, walls, cribbing, dams, or other protective devices to be constructed in connection with, or as part of, the proposed work together with a map showing the drainage area of land tributary to the site, the estimated runoff of the area served by any drains, and calculations of the carrying capacity of such drains.

(h) The following shall be required for grading which will require the use of groundwater and for grading to be done during a time when the San Diego County Water Authority declares that a drought is in effect:

(i) Information demonstrating to the satisfaction of the Director of Public Works the source (imported potable water, reclaimed water or groundwater) and amount of water available to be used in grading operations, including a statement from the applicable public agency or other party supplying the water specifying the dates when temporary service shall commence and when temporary service shall cease. The applicant shall specify the timing and duration of water needed to complete each phase of the project;

(ii) A short-term plan for erosion control and for slope stabilization where necessary which, in the opinion of the Director of Public Works, can be accomplished with the amount of water demonstrated to be available to the project; and

(iii) Except for grading on projects for which the Director of Planning and Land Use has approved a landscape plan, a long-term plan for erosion control and for slope stabilization where necessary to the satisfaction of the Director of Public Works.

(i) A statement of the purpose for which the proposed grading is to be done.

(j) Information demonstrating to the satisfaction of the Director of Public Works that the applicant is satisfying Chapter 8 (commencing with Section 67.801) of Division 7 of Title 6 of this Code.

(k) Such other information or data as may be required by the Director.

(Amended by Ord. No. 3792 (N.S.), effective 12-17-71; amended by Ord. No. 3945 (N.S.), effective 9-14-72; amended by Ord. No. 4717 (N.S.), effective 7-8-76; amended by Ord. No. 5567 (N.S.), effective 8-30-79; amended by Ord. No. 7887 (N.S.), effective 4-3-91; amended by Ord. No. 8691 (N.S.), effective 7-5-96; amended by Ord. No. 9328 (N.S.), effective 6-1-01)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.204. SOIL INVESTIGATION REPORT MAY BE REQUIRED.

- (a) The County Official may require a soils investigation to correlate surface and subsurface conditions with the proposed grading plan. The results of the investigation shall be presented in a soil report by a soil engineer which shall include, but need not be limited to, data regarding the nature, distribution and strength of existing soils and rock on the site; the soil engineer's conclusions and recommendations for grading requirements, including the correction of weak or unstable soil conditions and treatment of any expansive soils that may be present; and his opinions as to the adequacy of building sites to be developed by the proposed grading operations. The soil engineer shall provide an engineering geology report by an engineering geologist when required by the County Official.
- (b) The County Official may require such supplemental reports and data as he deems necessary.
- (c) Recommendations included in such reports and approved by the County Official shall be incorporated in the grading plan or specifications.

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.204.1. GRADING PLAN EXAMINATION -- FEE.

Whenever the Department of Environmental Health is required to examine a grading plan in accordance with Section 68.326.2, there shall be paid to the Department of Environmental Health an examination fee as set forth in Title 6, Division 5, Section 65.107, par. (d)(16), of this Code.

(Added by Ord. No. 5847 (N.S.), effective 9-11-80; amended by Ord. No. 6378 (N.S.), effective 7-29-82; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95; amended by Ord. No. 8553 (N.S.), effective 8-10-95, operative 8-10-95)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.206. PLAN CHECKING FEE.

At the time of filing an application for a grading permit, a plan checking fee or deposit shall be paid to the County in accordance with this section.

(a) For a grading permit applied for pursuant to Section 87.210, a plan checking fee shall be submitted to the Director of Planning and Land Use based on the volume of excavation or fill, whichever is greater, and shall be an amount as prescribed by the Board of Supervisors.

(b) PLAN CHECKING DEPOSIT FOR GRADING PLANS OF 3,000 CY OR LESS. For a grading plan showing 3,000 cubic yards or less and the proposed work either (1) will necessitate the construction of any extensive drainage structures or facilities or (2) will interfere in any way with an existing drainage course, or (3) falls within the provisions of Section 87.210(c), or (4) the proposed grading will cross one or more lot lines, a deposit shall be placed with the Director, Department of Public Works following the same procedure as set forth in paragraph (c) below. The amount of said deposit shall be determined by resolution no less than annually by the Board of Supervisors.

(c) PLAN CHECKING DEPOSIT FOR GRADING PLANS GREATER THAN 3,000 CY. For a grading plan greater than 3,000 cubic yards, a deposit shall be placed with the Director, Department of Public Works to pay for the actual cost to the County in checking the plan. Before submitting grading plans for examination, the permittee shall deposit with the Director, Department of Public Works a sum estimated by the Director, Department of Public Works to be sufficient to cover such actual costs. If the actual cost of checking a grading plan is less than the amount deposited, the Director, Department of Public Works shall refund to the permittee any amount remaining in said deposit in accordance with Section 87.213. If the deposit is insufficient to pay all the actual costs of checking, the permittee, upon demand of the Director, Department of Public Works shall pay to him an amount deemed sufficient by the Director, Department of Public Works to complete the work in process. If the permittee fails or refuses to pay such amount upon demand, the Director, Department of Public Works may refuse issuance of a grading permit until the amount is paid in full, or, if a permit is already issued, the grading shall be considered incomplete and the grading permit may be revoked in accordance with the procedures set forth in Section 87.212.

Where the plans or specifications provide for the construction of drainage structures or facilities (other

than standard terrace drains and similar facilities), including retaining walls and sprinkler irrigation systems, or when such plans include proposals for granting drainage and appurtenant easements to the San Diego County Flood Control Districts there shall be paid to the Director of Public Works the actual cost of checking the plans and specifications and of preparing the documents for the drainage and appurtenant easements. At the time such plans and specifications are submitted, the applicant shall deposit with the Director of Public Works a sum estimated by the Director of Public Works to be sufficient to cover such actual costs. If such actual costs are less than the amount deposited, the Director of Public Works shall refund to the applicant any amount remaining in said deposit in accordance with Section 87.213. If any deposit is insufficient to pay the actual costs of checking the plans or preparing the documents, the applicant, upon demand of the Director of Public Works, shall pay to him an amount deemed sufficient by the Director of Public Works to complete the work in process.

(d) If an Environmental Impact Report is deemed necessary prior to the issuance of a permit, the applicant shall deposit with the Director of Public Works a sum estimated by the Director of Public Works to be sufficient to cover the such actual costs as are incurred in the preparation and/or review of the Environmental Impact Report. If the actual cost of preparing and/or reviewing the Environmental Impact Report is less than the amount deposited, the Director of Public Works shall refund to the permittee any amount remaining in said deposit in accordance with Section 87.213. If any deposit is insufficient to pay all the actual costs of checking, the permittee, upon demand of the Director of Public Works shall pay to him an amount deemed sufficient by the Director of Public Works to complete the work in process. If the permittee fails or refuses to pay such amount upon demand, the Director of Public Works may refuse issuance of a grading permit until the amount is paid in full, or, if a permit is already issued, the grading shall be considered incomplete and the grading permit may be revoked in accordance with the procedures set forth in Section 87.212.

(Amended by Ord. No. 3281 (N.S.), effective 1-22-69; amended by Ord. No. 3792 (N.S.), effective 12-17-71; amended by Ord. No. 3806 (N.S.), effective 12-17-71; amended by Ord. No. 3945 (N.S.), effective 9-14-72; amended by Ord. No. 4370 (N.S.), effective 9-12-74; amended by Ord. No. 4717 (N.S.), effective 7-8-76; amended by Ord. No. 5929 (N.S.), effective 12-12-80; amended by Ord. No. 6038 (N.S.), effective 5-28-81, operative 7-1-81; amended by Ord. No. 7986 (N.S.), effective 11-7-91; amended by Ord. No. 8069 (N.S.), effective 7-1-92; amended by Ord. No. 8553 (N.S.), effective 8-10-95, operative 8-10-95; amended by Ord. No. 8962 (N.S.), effective 9-23-98; amended by Ord. No. 9290 (N.S.), effective 2-11-01; amended by Ord. No. 9329 (N.S.), effective 6-1-01)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.207. GRADING PERMIT INSPECTION FEES.

(a) Prior to the issuance of a grading permit obtained pursuant to Section 87.210, an inspection fee shall be submitted to the Director of Planning and Land Use for each grading permit based on the volume of the excavation or fill, whichever is greater, and shall be in an amount as prescribed by the Board of Supervisors.

(b) Prior to the issuance of a grading permit obtained pursuant to approval of plans submitted under the criteria of Section 87.206(b) a deposit shall be placed with the Director of Public Works to pay for the actual cost of inspection. The amount deposited shall be the sum estimated by the Director of Public Works to be sufficient to cover such actual costs. If the actual cost of inspection is less than the amount deposited, the Director of Public Works shall refund to the permittee any amount remaining in said deposit in accordance with Section 87.213. If the deposit is insufficient to pay the actual costs of inspection, the permittee, upon demand of the Director of Public Works, shall pay an additional amount deemed sufficient by the Director of Public Works to complete the work in process. If the permittee fails or refuses to pay such amount upon demand, the Director of Public Works may refuse issuance of a grading permit until the amount is paid in full, or, if a permit is already issued, the grading shall be considered incomplete and the grading permit may be revoked in accordance with the procedures set forth in Section 87.212.

(c) Prior to the issuance of a grading permit obtained pursuant to approval of plans submitted under the criteria of Section 87.206(c) there shall be paid to the County for each grading permit an administration and inspection deposit in accordance with this section. Before obtaining the grading permit, the permittee shall deposit with the Director of Public Works a sum estimated by the Director of Public Works to be sufficient to cover actual costs in the administration and inspection of work performed. This deposit shall also be used to defray the expense of non-compliance with the conditions of the plans and/or specifications or any conditions of the permit. If the actual cost of administration and inspection is less than the amount deposited, the Director of Public Works shall refund to the permittee any amount remaining in said deposit in accordance with Section 87.213. If any deposit is insufficient to pay all actual costs of administration and inspection, the permittee shall, upon demand of the Director of Public Works, pay to him an amount deemed sufficient by the Director of Public Works to complete the work in process. An additional deposit may be required for the authorization of additional work on a valid grading permit. If a permittee fails or

refuses to pay any amount in a required deposit, the grading will be considered incomplete until the amount is paid in full and the grading permit may be revoked in accordance with the procedures set forth in Section 87.212.

(d) Where the grading permit provides for the construction of retaining walls and sprinkler irrigation systems, drainage structures or facilities (other than standard terrace drains and similar facilities) there shall be paid to the Director of Public Works the actual cost of inspecting such construction. Before the grading permit is issued, the applicant shall deposit with the Director of Public Works a sum estimated by the Director of Public Works to be sufficient to cover such actual costs. If the actual cost of inspection is less than the amount deposited, the Director of Public Works shall refund to the applicant any amount remaining in said deposit. If any deposit is insufficient to pay all of the actual cost of inspection, the applicant, upon demand of the Director of Public Works, shall pay to him an amount deemed sufficient by the Director of Public Works to complete the work in process.

(e) The fee for grading permit authorizing additional work to that authorized by a valid permit shall be the difference between the fee paid for the original permit and the fee required for the entire grading project.

(Amended by Ord. No. 3281 (N.S.), effective 1-22-69; amended by Ord. No. 3792 (N.S.), effective 12-17-71; amended by Ord. No. 3945 (N.S.), effective 9-14-72; amended by Ord. No. 4717 (N.S.), effective 7-8-76; amended by Ord. No. 5929 (N.S.), effective 12-12-80; amended by Ord. No. 6038 (N.S.), effective 5-28-81, operative 7-1-81; amended by Ord. No. 8069 (N.S.), effective 7-1-92; amended by Ord. No. 8553 (N.S.), effective 8-10-95, operative 8-10-95; amended by Ord. No. 8962 (N.S.), effective 9-23-98; amended by Ord. No. 9329 (N.S.), effective 6-1-01)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.207.1. FEES -- WORK COMMENCED BEFORE PERMIT ISSUED.

In addition to any penalty prescribed for violation of this code or for violation of the provisions of this division, and in addition to the fees or deposits required by Section 87.207, a fee of Five Hundred Dollars (\$500.00) shall be assessed for any work, for which a permit is required by this division, commenced prior to obtaining such permit. Payment of such fee shall not relieve any person from any liability under provisions of this code or from fully complying with the requirements of this division. The fee described by this section shall not be construed as a penalty but is added to defray the expense of enforcement of the provisions of this division.

(Added by Ord. No. 3281 (N.S.), effective 1-22-69; amended by Ord. No. 4717 (N.S.), effective 7-8-76; amended by Ord. No. 7221 (N.S.), effective 11-27-86)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.207.2. [RESERVED.]

(Added by Ord. No. 3792 (N.S.), effective 12-17-71; repealed by Ord. No. 4717 (N.S.), effective 7-8-

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.208. SECURITY REQUIRED.

(a) No grading permit shall be issued for grading involving the movement of more than 3,000 cubic yards of soil, other than for grading solely for growing plants or animals and upon which no structures will be placed, unless the applicant shall first post a security with the County of San Diego comprised of a cash deposit or a combination cash deposit and a corporate surety bond of a surety authorized to do business in the State of California, instrument of credit or other security pledging the performance and agreeing such funds are trust funds for the purposes of satisfying the cost of correcting any deficiency or any hazard or injury created by the work. An irrevocable standby letter of credit issued by a financial institution subject to regulation by the State or Federal government may be posted in lieu of the surety bond, instrument of credit or other security.

The total security shall be in the form approved by the County Counsel. The total amount of the security shall be equal to thirty percent (30%) of the estimated cost of the grading work authorized by the permit, plus an additional sum equal to 100% of the estimated cost of the construction of retaining walls and sprinkler irrigation systems, landscaping, and drainage structures or facilities (including standard terrace drains, slope planting and similar facilities) authorized by the permit. The estimated cost of the work is determined by the County Official after reviewing the civil engineer's estimates. If the County Official determines that possible deficiencies or the hazard or danger created by the work does not justify the full amount of the security, he may waive all or part of the amount to the extent that there is no hazard or danger. Where the work includes drainage structures, the applicant may elect to estimate the cost thereof separately from the cost of all other work, and to provide separate security therefor (which may also be used for purposes of improvement security required by the Subdivision Ordinance).

The cash deposit shall be equal to 10% of the total security required for projects where the total security required is \$75,000 or less, plus an additional 5% of the total security required when the security is over \$75,000. In no instance shall the cash deposit be less than One Thousand Dollars (\$1,000) or more than Ten Thousand Dollars (\$10,000). This cash deposit shall be used to satisfy the cost of correcting any deficiency, hazard, or injury created by the work in violation of the terms and conditions of the grading permit or in violation of the provisions of this code or any other applicable law or ordinance. Use of the cash deposit or a portion thereof shall in no way limit or release the obligation of the surety to satisfy the cost of correcting any deficiency, hazard, or injury created by the work. If the amount of the cash deposit is insufficient to

satisfy the said cost in full, the surety shall be liable to satisfy the remainder of the said cost in excess of the cash deposit to the extent that said remainder does not exceed the full penalty amount of the bond. In addition, if suit is brought upon the bond by the County and judgment is recovered, the surety shall pay all cost incurred by the County in such suit, including a reasonable attorney's fee to be fixed by the court.

(b) Every bond and instrument of credit shall include and every cash deposit and letter of credit shall be made on the conditions that the permittee shall:

(1) Comply with all the provisions of this code, applicable laws and ordinances.

(2) Comply with all of the terms and conditions of the grading permit to the satisfaction of the County Official.

(3) Complete all of the work contemplated under the grading permit within the time limit specified in the grading permit, or if no time limit is so specified, the time limit specified in this division. The County Official may, for sufficient cause, extend the time specified in the permit, but no such extension shall release the Owner or the surety on the bond or person issuing the instrument of credit.

(c) Each bond shall remain in effect until the completion of the work to the satisfaction of the County Official.

(d) In the event of failure to complete the work or failure to comply with all of the conditions and terms of the grading permit, the County Official may order such work as in his opinion is necessary to correct any deficiencies or eliminate any dangerous condition and leave the site in a safe condition or may order the work authorized by the permit to be completed to a safe and stable condition to his satisfaction. The permittee and the surety executing such bond or person issuing the instrument of credit, letter of credit or making the cash deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the County in causing any and all such work to be done. In the case of a cash deposit, any unused portion thereof shall be refunded to the permittee.

(e) Permits for less than 3,000 cubic yards of soil that require structures, retaining walls or drainage facilities shall have security posted in conformance with Sec. 87.208(a) if so directed by the County Official.

(f) The grading permit may provide for the partial release of the bond or other security as provided in this section upon the partial acceptance of the work in accordance with Section 87.426.

(Amended by Ord. No. 3281 (N.S.), effective 1-22-69; amended by Ord. No. 3375 (N.S.), effective 7-30-69; amended by Ord. No. 3792 (N.S.), effective 12-17-71; amended by Ord. No. 3945 (N.S.), effective 9-14-72; amended by Ord. No. 4319 (N.S.), effective 6-27-74; amended by Ord. No. 4717 (N.S.), effective 7-8-76; amended by Ord. No. 5638 (N.S.), effective 12-13-79; amended by Ord. No. 5675 (N.S.), effective 1-17-80; amended by Ord. No. 8691 (N.S.), effective 7-5-96; amended by Ord. No. 9329 (N.S.), effective 6-1-01)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.208.1. [RESERVED.]

(Added by Ord. No. 3281 (N.S.), effective 1-22-69; amended by Ord. No. 3792 (N.S.), effective 12-17-71;
repealed by Ord. No. 5129 (N.S.), effective 5-4-78)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.209. [RESERVED.]

(Amended by Ord. No. 3792 (N.S.), effective 12-17-71; amended by Ord. No. 3945 (N.S.), effective 9-14-72; amended by Ord. No. 4717 (N.S.), effective 7-8-76; amended by Ord. No. 5841 (N.S.), effective 9-4-80; amended by Ord. No. 7221 (N.S.), effective 11-27-86; amended by Ord. No. 8069 (N.S.), effective 7-1-92; repealed by Ord. No. 9329 (N.S.), effective 6-1-01)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.210. MINOR GRADING PERMIT ISSUED BY THE DEPARTMENT OF PLANNING AND LAND USE.

(a) Where the proposed grading does not exceed 3,000 cubic yards, is upon a single lot or parcel of land, is incidental to the construction of a one-family dwelling and accessory buildings and structures excluding mobilehomes parks, and will not necessitate the construction of any extensive drainage structures or facilities or interfere with any drainage course, the Director of Planning and Land Use may accept the application for and grant a grading permit for such grading in accordance with this division.

(b) The Director of Planning and Land Use shall perform all of the duties imposed upon and exercise all of the authority granted to the Director of Public Works in connection with such application and permit and any grading performed pursuant to such permit.

(c) The Director of Planning and Land Use for any reason he deems appropriate may decline to accept an application or issue a permit pursuant to this section. In such case, the application for the grading permit shall be made to the Director of Public Works provided, however, no payment of duplicate fees shall be required.

(Repealed by Ord. No. 3281 (N.S.), effective 1-22-69; added by Ord. No. 3792 (N.S.), effective 12-17-71; amended by Ord. No. 4717 (N.S.), effective 7-8-76; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 8553 (N.S.), effective 8-10-95, operative 8-10-95; amended by Ord. No. 8962 (N.S.), effective 9-23-98)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.210.1. RIGHT OF ENTRY -- INDEMNIFICATION.

As a condition of issuance of any grading permit, the owner of the site to be graded and the contractor, if any, shall grant to the County a right of entry on the site for the purposes of inspection and for purposes of correction of grading not performed in compliance with the terms and conditions of the permit. The owner and the contractor shall agree to indemnify the County for any claims or damages which may result from the County's entry onto the property including any corrective action taken pursuant to such right of entry. The right of entry and indemnification agreement shall be on a form approved by the County Counsel.

(Added by Ord. No. 5567 (N.S.), effective 8-30-79)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.211. DENIAL OF PERMIT.

(a) Hazardous Grading. The Director of Public Works shall not issue a grading permit in any case where he/she finds that the work as proposed by the applicant will damage any private or public property or interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the depositing of debris on any public way or create an unreasonable hazard to person or property. If it can be shown to the satisfaction of the Director of Public Works that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage structures or facilities or by other means, the Director of Public Works may issue the grading permit on the condition that such construction work be performed.

(b) Geological Hazard. If, in the opinion of the Director of Public Works, the land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to person or property, the grading permit shall be denied.

(c) Flood Hazard. If, in the opinion of the Director of Public Works, the land area for which grading is proposed is subject to flood hazard the plans showing the corrective work proposed to be done must be approved by the Director of Public Works before issuance of a permit.

(d) Non-performance. If any applicant shall have failed or refused to complete the work required by any permit within the time allowed and has not renewed the permit as provided in Section 87.303, the Director of Public Works may refuse to issue any new permit until the delinquent work is complete.

(e) Subdivision or Use Permit. Under either of the following circumstances, a grading permit shall not be issued unless and until a tentative map or subdivision has been approved or conditionally approved or a use permit issues:

(1) If the purpose of the proposed grading as stated in the application is to prepare the land for subdivision or for some use for which a use permit is required; or

(2) Notwithstanding the purpose of the proposed grading as stated in the application, if the Director of Public Works and the Director of Planning and Land Use find that the purpose of the proposed grading is to

prepare the land for subdivision or for some use for which a use permit is required.

(f) The Director of Public Works shall consider information from the County Hydrogeologist in conjunction with any available information provided from the applicant. If the withdrawal of groundwater for the grading operation would decrease [decrease] the supply of groundwater to land uses for household or irrigation use to other properties within the basin if developed to the density and intensity permitted by existing provisions of the County General Plan, the permit shall be denied.

(g) If, in the opinion of the Director of Public Works, the water supply is not sufficient to meet the needs of the grading plan, the permit shall be denied.

(Added by Ord. No. 3792 (N.S.), effective 12-17-71; amended by Ord. No. 3945 (N.S.), effective 9-14-72; amended by Ord. No. 4027 (N.S.), effective 1-2-73; amended by Ord. No. 4626 (N.S.), effective 1-29-76; amended by Ord. No. 4717 (N.S.), effective 7-8-76; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5942 (N.S.), effective 12-25-80; amended by Ord. No. 6508 (N.S.), operative 3-1-83; amended by Ord. No. 7887 (N.S.), effective 4-3-91)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.211.1. [RESERVED.]

(Added by Ord. No. 5007 (N.S.), effective 12-8-77; repealed by Ord. No. 5317 (N.S.), effective 1-5-79; Ord. No. 5335 (N.S.), adopted 1-2-79, effective 2-1-79, supersedes Ord. No. 5317)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.212. REVOCATION OF PERMIT.

The Director of Public Works shall have the power to revoke any permit granted under the provisions of this chapter if said Director determines that said permit was obtained by fraud, or that one or more of the conditions upon which said permit was granted have been violated, or that the permittee fails or refuses to correct a deficiency or a hazard upon the receipt of written notice and within the time specified in such notices; or that the permittee fails or refuses to perform any of the work required or fails or refuses to conform with any of the standards established by a use permit; or that the permittee fails to submit all material necessary for approval of a reclamation plan pursuant to Chapter 7 of this Division within 120 days from the date the Director of Planning and Land Use requests in writing that such reclamation plan be submitted. A request that said Director of Public Works revoke said grading permit may be made by any County Officer; the request for revocation shall be in writing, and shall set forth the grounds upon which revocation is sought.

If a permit is revoked no further work shall be done upon the site except the correction of hazards, and the completion of any work required by the permittee's agreement. Every agreement and every security required by this division shall remain in full force and effect notwithstanding any such revocation.

Any hearing held pursuant to this chapter shall be a public hearing, unless a public hearing is waived in writing by the permittee. Request for revocation shall be directed to the Director of Public Works, who shall fix a time and place for the hearing to be published once in a newspaper of general circulation published in the County of San Diego. Said Director shall also notify the permittee of the time and place set for said hearing. Any interested person may appear at said hearing and present evidence. At the conclusion of a hearing on a request for revocation said Director may deny the request for revocation, grant the request for revocation, or modify existing conditions of or add new conditions to said permit. The decision of the Director shall be final.

(Added by Ord. No. 3792 (N.S.), effective 12-17-71; amended by Ord. No. 3945 (N.S.), effective 9-14-72; amended by Ord. No. 5129 (N.S.), effective 5-4-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5942 (N.S.), effective 12-25-80; amended by Ord. No. 8553 (N.S.), effective 8-10-95, operative 8-10-95; amended by Ord. No. 8962 (N.S.), effective 9-23-98; amended by Ord. No. 9343 (N.S.), effective 6-22-01)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.213. REFUNDS.

No fee collected pursuant to this division shall be refunded, in whole or in part, except as provided herein.

(1) Grounds for Refund. Whenever the County Official collects a fee, no part of which is legally due, the entire fee shall be refundable. Whenever the County Official collects a fee in excess of the amount legally due by reason of an error of fact or law made by the County Official, the total amount of the excess shall be refundable. Whenever the County Official collects a fee in excess of the amount legally due because, by reason of a mistake made by the applicant, the permit does not accurately state the true present intent of the applicant, the total amount of the excess, less five dollars (\$5.00) to cover County costs, shall be refundable.

(2) Claim for Refund. Whenever a fee or a portion of a fee is refundable pursuant to this section, the person who paid said fee may submit to the Board of Supervisors a claim for refund of money setting forth the facts which constitute the basis for a refund. If the basis for a refund is a mistake made by the applicant the claim must be accompanied by a revised application showing the true facts as they existed at the time of the submission of the original application.

(3) When Refund Not Payable. No refund shall be made pursuant to this section if a claim for refund is submitted to the Board of Supervisors more than one year from the date of payment of the fee as to which a refund is claimed; nor shall any refund be paid if the total refundable amount, after deduction of County costs as hereinabove provided, is less than five dollars (\$5.00).

(Added by Ord. No. 3792 (N.S.), effective 12-17-71)

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.214. WAIVER OF SPECIFIED FEES AND DEPOSITS FOR FARM EMPLOYEE HOUSING AND FARM LABOR CAMPS.

Notwithstanding any other provision of this chapter, the examination fee specified in Section 87.204.1, the plan checking fee or deposit specified in Section 87.206, and the inspection fees and deposits specified in Section 87.207, shall be waived for:

(1) Any farm employee housing or farm labor camp project for which (i) a complete application for any Administrative Permit or a Minor Use Permit was filed between July 13, 1990, and January 13, 1991 pursuant to Ordinance No. 7768 (N.S.); or was filed between April 5, 1991 and October 5, 1991, pursuant to Ordinance No. 7875 (N.S.); or was filed between October 31, 1991 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.); or was filed between July 30, 1993 and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998, pursuant to Ordinance No. 8574 (N.S.); or any farm employee housing or farm labor camp project for which a complete application for a Building Permit or Minor Use Permit was filed between May 14, 1999 and June 30, 2004, pursuant to Ordinance No. 9021 (N.S.) and (ii) the application was approved; or

(2) Any farm employee housing or farm labor camp project for which (i) Section 17021.5 or Section 17021.6 of the California Health and Safety Code is applicable; (ii) the Agricultural Commissioner has issued a certificate of active agricultural enterprise; (iii) the housing is not the subject of an active code enforcement action; (iv) the applicant has entered into the contract required by Section 6156 u.11 or Section 6906 d. of The Zoning Ordinance; and (v) the application was filed between July 30, 1993, and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998, pursuant to Ordinance No. 8574 (N.S.); or was filed between May 14, 1999 and June 30, 2004, pursuant to Ordinance No. 9021 (N.S.).

(Added by Ord. No. 7768 (N.S.), effective 7-13-90; amended by Ord. No. 7875 (N.S.), effective 4-4-91; amended by Ord. No. 7977 (N.S.), effective 10-31-91; amended by Ord. No. 8086 (N.S.), effective 7-16-92; amended by Ord. No. 8271 (N.S.), effective 7-30-93; amended by Ord. No. 8436 (N.S.), effective 9-2-94; amended by Ord. No. 8574 (N.S.), effective 9-15-95; amended by Ord. No. 9021 (N.S.), effective 5-14-99)